

THE LAW FIRM OF
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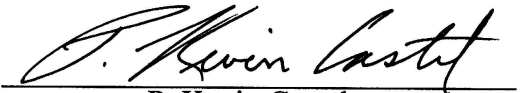
May 20, 2021

VIA ECF

Hon. P. Kevin Castel, U.S.D.J.
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Application for a stay is DENIED without prejudice to legal support for the proposition that a supersedeus bond is appropriate in this case. It does not appear that City View is appealing the judgment. It is appealing the Court's denial of an order vacating the judgment.

SO ORDERED.
5/21/2021



P. Kevin Castel
United States District Judge

**RE: Trustees of The New York City District Council of
Abalene Decorating, Inc. et al.
Docket No.: 20-cv-2559 (PKC)**

Your Honor:

This law firm represents Defendant City View Blinds of N.Y., Inc. ("City View") in the above referenced matter. We write to request that this Court approve the supersedeus bond filed by City View on May 19, 2021 (copy of filing attached) to affect an automatic stay of all enforcement proceedings and order the release of City View's funds being currently held by its bank, Signature Bank, and customer, Suffolk Construction, pursuant to Fed.R.Civ.P. Rule 62(b). As the Court will see, the bond represents 110% of the amount of the underlying judgment of \$92,589.86, which is \$101,848.84.

Respectfully submitted,



Adam C. Weiss

cc: All Counsel of Record (via ECF)

Encl.

ORIGINAL

Bond No. 1001072895

SUPERSEDEAS BOND

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

**TRUSTEES OF THE NEW YORK CITY DISTRICT
COUNCIL OF CARPENTERS PENSION FUND,
WELFARE FUND, ANNUITY FUND, and
APPRENTICESHIP, JOURNEYMAN RETRAINING,
EDUCATIONAL AND INDUSTRY FUND, TRUSTEES
OF THE NEW YORK CITY CARPENTERS RELIEF
AND CHARITY FUND, and THE CARPENTER
CONTRACTOR ALLIANCE OF METROPOLITAN
NEW YORK,**

Plaintiffs,

-against-

**ABALENE DECORATING, INC. and CITY VIEW
BLINDS OF N.Y., INC.,**

Defendants.

**Docket No:
20-cv-02559 (PKC)**

WHEREAS, Defendant, City View Blinds of N.Y., Inc., have prosecuted an appeal to the United States Court of Appeals for the Second Circuit from each and every part of the Opinion & Order filed April 13, 2021, against the defendant. City View Blinds of N.Y., Inc., and in favor of the Plaintiffs in the amount of NINETY-TWO THOUSAND FIVE HUNDRED EIGHTY-NINE AND 86/100 (\$92,589.86) Dollars.

NOW, THEREFORE, the U.S. Specialty Insurance Company, having an office and principal place of business for the State of New York. at 600 Lexington Avenue, New York, New York 10022, does hereby undertake the sum of ONE HUNDRED ONE THOUSAND EIGHT HUNDRED FORTY-EIGHT AND 84/100 (\$101,848.84) Dollars, that if the above named Defendant, shall satisfy the Opinion and Order herein in full together with the costs, interest and damages for delay, or if for any reason the appeal is dismissed or if the Opinion & Order is affirmed, and shall satisfy in full such modification of the Opinion & Order and such costs, interest and damages the Appellate Court may adjudge and award, then this obligation shall be void, otherwise the same shall be and remain in full force and effect

DATED, May 19, 2021

U.S. SPECIALTY INSURANCE COMPANY

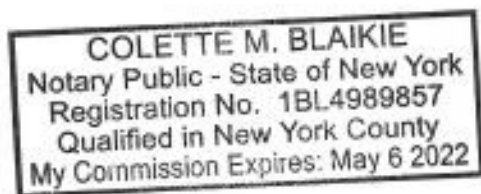
By:

D. Nicholas Blaikie, Attorney-in-Fact

ACKNOWLEDGEMENT OF SURETY

STATE OF NEW YORK COUNTY OF NEW YORK

On the 19th day of May in the year 2021, before me personally came D. Nicholas Blaikie to me known, who being by me duly sworn, did depose and say that he resides at 600 Lexington Avenue, New York, N.Y., 10022, that he is the Attorney-in-Fact of U.S. Specialty Insurance Company, the corporation described in and which executed the above instrument; that he knows the corporate seal of said corporation, that the seal affixed to such instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said corporation, and, that he signed his name thereto by like order; and that said corporation is duly authorized to transact business in the State of New York in pursuance of the statutes of such case made and provided, that the Superintendent of insurance of the State of New York, has pursuant to Chapter 28 of the Consolidated Laws of the State of New York, known as the Insurance Law, issued to U.S. Specialty Insurance Company, A Certificate of Solvency and qualification to become surety or guarantor on all bonds, undertakings, recognizances, guaranties and other obligations required or permitted by law and that such certificate has not been revoked.




Notary Public



TOKIO MARINE
HCC

POWER OF ATTORNEY

AMERICAN CONTRACTORS INDEMNITY COMPANY TEXAS BONDING COMPANY
UNITED STATES SURETY COMPANY U.S. SPECIALTY INSURANCE COMPANY

KNOW ALL MEN BY THESE PRESENTS: That American Contractors Indemnity Company, a California corporation, Texas Bonding Company, an assumed name of American Contractors Indemnity Company, United States Surety Company, a Maryland corporation and U.S. Specialty Insurance Company, a Texas corporation (collectively, the "Companies"), do by these presents make, constitute and appoint:

D. Nicholas Blaikie or Colette M. Blaikie of New York City, New York

its true and lawful Attorney(s)-in-fact, each in their separate capacity if more than one is named above, with full power and authority hereby conferred in its name, place and stead, to execute, acknowledge and deliver any and all bonds, recognizances, undertakings or other instruments or contracts of suretyship to include riders, amendments, and consents of surety, providing the bond penalty does not exceed *****Three Million***** Dollars (***3,000,000.00***). This Power of Attorney shall expire without further action on January 31, 2024. This Power of Attorney is granted under and by authority of the following resolutions adopted by the Boards of Directors of the Companies:

Be it Resolved, that the President, any Vice-President, any Assistant Vice-President, any Secretary or any Assistant Secretary shall be and is hereby vested with full power and authority to appoint any one or more suitable persons as Attorney(s)-in-Fact to represent and act for and on behalf of the Company subject to the following provisions:

Attorney-in-Fact may be given full power and authority for and in the name of and on behalf of the Company, to execute, acknowledge and deliver, any and all bonds, recognizances, contracts, agreements or indemnity and other conditional or obligatory undertakings, including any and all consents for the release of retained percentages and/or final estimates on engineering and construction contracts, and any and all notices and documents canceling or terminating the Company's liability thereunder, and any such instruments so executed by any such Attorney-in-Fact shall be binding upon the Company as if signed by the President and sealed and effected by the Corporate Secretary.

Be it Resolved, that the signature of any authorized officer and seal of the Company heretofore or hereafter affixed to any power of attorney or any certificate relating thereto by facsimile, and any power of attorney or certificate bearing facsimile signature or facsimile seal shall be valid and binding upon the Company with respect to any bond or undertaking to which it is attached.

IN WITNESS WHEREOF The Companies have caused this instrument to be signed and their corporate seals to be hereto affixed, this 14th of October, 2020.

AMERICAN CONTRACTORS INDEMNITY COMPANY TEXAS BONDING COMPANY
UNITED STATES SURETY COMPANY U.S. SPECIALTY INSURANCE COMPANY

State of California

County of Los Angeles



By:

Jon Schneider, Vice President

A Notary Public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

On this 14th of October, 2020, before me, D. Littlefield, a notary public, personally appeared Jon Schneider, Vice President of American Contractors Indemnity Company, Texas Bonding Company, United States Surety Company and U.S. Specialty Insurance Company who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

D. Littlefield

(seal)



I, Kio Lo, Assistant Secretary of American Contractors Indemnity Company, Texas Bonding Company, United States Surety Company and U.S. Specialty Insurance Company, do hereby certify that the above and foregoing is a true and correct copy of a Power of Attorney, executed by said Companies, which is still in full force and effect; furthermore, the resolutions of the Boards of Directors, set out in the Power of Attorney are in full force and effect.

In Witness Whereof, I have hereunto set my hand and affixed the seals of said Companies at Los Angeles, California this 19th day of May, 2021.

Corporate Seal

Bond No.

1001072895

Agency No. 11533



Kio Lo, Assistant Secretary

visit tmhcc.com/surety for more information

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**U.S. SPECIALTY INSURANCE COMPANY
STATUTORY STATEMENT OF ADMITTED ASSETS,
LIABILITIES, CAPITAL AND SURPLUS (1)
December 31, 2020**

Admitted Assets

Investments:	
Fixed Maturities, at amortized cost	1,567,861,802
Preferred Stocks	8,690,620
Common stocks	6,329,146
Mortgage loans on real estate - first liens	124,080,644
Mortgage loans on real estate - other than first liens	4,092,502
Cash and short term investments	117,455,752
Receivable for securities	75,852
Total cash and invested assets:	1,828,785,714
Investment income due and accrued	14,969,743
Premium receivable	254,195,235
Recoverable from reinsurers	28,914,796
Net deferred tax asset	28,730,816
Electronic data processing equipment and software	46,175
Receivable from parent, subsidiaries and affiliates	48,084,781
Miscellaneous receivables	708
	375,912,253
Total admitted assets	2,202,698,967

Liabilities and Capital and Surplus

Liabilities:	
Unpaid loss and loss adjustment expense	1,054,340,676
Reinsurance payable on paid losses and loss adjustment expenses	72,334,865
Commission payable	8,285,465
Accrued expenses	12,432,621
Taxes, licenses, and fees	3,583,693
Current federal and foreign income taxes	6,892,790
Unearned premiums	340,702,609
Advance premium	8,028,026
Dividends to policyholders	392,106
Ceded reinsurance balance payable	100,431,734
Funds held under reinsurance treaties	2,239,449
Amounts withheld or retained for others	3,004,420
Provision for reinsurance	18,587,600
Payable to parent, subsidiaries and affiliates	46,568,049
Payable for securities	50,000
Total liabilities	1,677,769,325
Capital and Surplus:	
Capital Stock	4,200,000
Additional paid-in and contributed capital	190,085,811
Unassigned surplus	330,653,831
	524,939,642
Total liabilities and capital and surplus	2,202,698,967

(1) - In accordance with the statutory financial statements as filed on March 1, 2021.

I, Cave J. McKown III, Chief Financial Officer of U.S. Specialty Insurance Company, hereby certify that to the best of my knowledge and belief, the foregoing is a full and true Statutory Statement of Admitted Assets, Liabilities and Capital and Surplus of the Company as of December 31, 2020, prepared in conformity with accounting practices prescribed or permitted by the Texas Department of Insurance. The foregoing statement should not be taken as a complete statement of financial condition of the Company. Such a statement is available upon written request at the Company's home office located at 13400 Northwest Freeway, Houston, Texas 77040.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Corporation at Houston, Texas.

Cave J. McKown III
Vice President & Chief Financial Officer

**CERTIFICATE OF SOLVENCY UNDER SECTION 1111 OF THE NEW
YORK INSURANCE LAW**

STATE OF NEW YORK

DEPARTMENT OF FINANCIAL SERVICES

It is hereby certified that

**U.S. Specialty Insurance Company
Of Houston, Texas**

a corporation organized under the laws of the State of Texas and duly authorized to transact the business of insurance in this State, is qualified to become surety or guarantor on all bonds, undertakings, recognizances, guaranties and other obligations required or permitted by law; and that the said corporation is possessed of a capital and surplus including gross paid-in and contributed surplus and unassigned funds (surplus) aggregating the sum of \$576,205,391 (Capital \$4,200,00) as is shown by its sworn financial statement for the third quarter ending September 30, 2019, on file in this Department, prior to audit.

The said corporation cannot lawfully expose itself to loss on any one risk or hazard to an amount exceeding 10% of its surplus to policyholders, unless it shall be protected in excess of that amount in the manner provided in Section 4118 of the Insurance Law of this State.



In Witness Whereof, I have

unto set my hand and affixed

official seal of this Department
in the City of Albany, this

22nd day of January 2020

Linda A. Lacewell
Superintendent

By

Ellen R Buxbaum
Special Deputy Superintendent